

BRAZIL: HUMAN RIGHTS

File
Chen
8/18

Statement of the Issue: How can we encourage Brazil to continue and expand the improvements in respect of human rights which took place in 1976?

Current Status: Since January 1976, President Geisel has made a concerted effort to stop the torture of political prisoners. Treatment of criminal suspects has frequently been poor. In August 1977 there were press reports that several students arrested for demonstrating had been tortured.

Recommended US Position: We (should not ^{are not prepared to} categorize the current situation in Brazil as being one of "gross and consistent" violations of human rights, although very recently there have been some tentative indications that the favorable trend with respect to violations of the person may be reversing itself. There has been clear retrogression in terms of political rights. We will continue to watch the situation closely and continue our private exchanges with the Government of Brazil on this subject.

Background: Since 1964, Brazil's government has been under the ultimate control of the military. When General (ret.) Ernesto Geisel assumed the Presidency in 1974, he publicly committed his administration to a gradual relaxation of the strict centralized controls over political and social liberties introduced since the 1964 "Revolution." Political liberalization through 1976 was real, but gradual, in the face of increasing economic difficulties and opposition from conservative elements--most notably within the various security organizations--who cite a continuing security threat as a basis for limiting political freedoms. April 1977 saw a significant retrogression when the President decreed a Congressional recess and used his "exceptional" powers to enact laws and constitutional amendments which limit the power of the opposition bloc in Congress and effectively rule out any significant opposition gains in the 1978 congress and gubernatorial elections.

In terms of abuses of the person, political arrests and reports of grave violations increased in Sao Paulo and other Brazilian cities in 1975 in the aftermath of the discovery of Brazilian Communist Party printing presses and claims of Communist attempts to reorganize the party and to infiltrate Brazilian institutions.

In January 1976, following the highly publicized deaths over a period of several months of two prisoners in the custody of the II Army security forces in Sao Paulo, President Geisel removed the II Army's commanding general. A considerable number of personnel changes followed in the Sao Paulo command and elsewhere in the security structure, and reports of abuse of political prisoners immediately declined sharply. There have, however, been press reports in August of 1977 alleging that several students arrested in connection with recent demonstrations were tortured.

Over the past decade political detainees and others acting in their behalf have charged the government with torture, cruel, inhuman and degrading punishment ~~in earlier years~~. These accusations, including detailed excerpts of depositions by the detainees, have been publicized in the media in Brazil and other countries. The government ^{has} ~~has~~, in some instances, actions ^{have} ~~have~~ included removal from office of persons responsible for the mistreatment of alleged subversives. Human rights advocates within and outside Brazil have stated beginning in January 1976 that persons arrested in security cases were for the most part not subjected to torture or harsh conditions of interrogation or confinement; very few charges of abuse have arisen in this time period involving political detention. Continuation of this favorable trend is in some doubt as the government grows more concerned over recent student demonstrations and indications of popular restiveness with the regime.

Various kinds of police abuses not involving political detainees, including "death squad" activities (a form of police vigilantism which originated in Rio de Janeiro and spread elsewhere in the late 1960's), have continued unabated, despite government countermeasures. The "death squads," believed to be clandestine associations of off-duty policemen, prey mostly on common criminals and suspects; their victims show evidence of torture. A number of cases appear to have involved criminal rivalry between those murdered and corrupt elements within the police force, and have been the subject of government investigations and prosecutions.

Certain radical conservative elements, both inside and out of the government, have grown restive under the gradual liberalization carried out by President Geisel. A right wing extremist group, the Brazilian Anti-Communist Alliance (AAB) has claimed credit for the recent kidnapping and beating of a Catholic bishop and for a series of bombings directed against the media, the Brazilian Bar Association, and the Rio de Janeiro office of the National Commission of Brazilian Bishops.

Two US
Missionaries
arrested in
political
detention

has taken

Other members of the Catholic clergy were victims in 1976 of actions attributable to government authorities: a priest who protested the torture of a woman suspect was murdered by several state police officers (the latter were promptly expelled from the force and placed under arrest), and the Army temporarily detained and interrogated a priest suspected of inciting a squatter-police confrontation in the Amazon. (One church organization later claimed the priest was tortured, a report challenged by an archbishop who had spoken with the priest in jail and who said he had been told by the latter that no physical mistreatment had occurred; the federal government vehemently and formally denied the charge of torture.) In a recent pastoral letter, the National Commission of Brazilian Bishops denounced extremist attacks, police violence and government censorship of a local church newspaper and of public statements by a controversial archbishop. The Commission called on the government to take effective corrective actions.

Thus, while detainees in security cases have generally experienced improved treatment since 1976, there is no evidence that there has been comparable improvement in other law enforcement activities. Nevertheless, the issue of police abuses -- a condition pre-dating the 1964 revolution -- has drawn attention at the highest governmental levels; President Geisel was quoted by a Catholic archbishop critical of the government as saying that the Army and state police organizations have orders banning torture and other forms of mistreatment.